

REMARKS

Upon entry of the present amendment, claims 1-4 and 6-10 will remain pending in the above identified application and stand ready for further action on the merits. In the instant amendment, claims 1 and 3 are amended, claim 5 is cancelled and new claims 6-10 are added. The amendments made herein to the claims do not incorporate new matter into the Application as originally filed.

Regarding the amendment to claim 1, support for the recited spirally wound electrode is found at page 13, lines 14-15 of the specification, and the recited ratio of the two binders of 1:1 to 1:15 finds support at page 7, lines 17-20 of the specification (although the ratio is described in the specification in relation to carboxymethylcellulose, it is the representative compound of cellulose ether).

Regarding the amendment to claim 3, this amendment simply ensures that proper antecedent basis occurs for each of the terms recited in claim 3, and finds support in original claim 1.

Regarding newly added claims 6-10, the following supporting disclosure is noted.

Claim 6 finds support at page 5, lines 13-14 of the originally filed specification. Claim 7 finds support in the Examples of the originally filed specification (i.e., spacing is described in the Examples). Claim 8 finds support at page 2, first paragraph, of the originally filed specification, which states in relation to know art, that "... In the production of a negative electrode using such a carbonaceous material with a large specific surface area, when a fluoro-resin binder which can stabilize the electrode is used, it should be added to a negative electrode mixture in an amount of at least 5% by weight." Claim 9 finds support in the Examples of the originally filed specification, where a box-shaped cell and the flat-form spirally wound electrodes are used in the Examples, and Claim 10 finds support at page 7, lines 17-20 of the specification.

Entry of the above amendments is earnestly solicited. An early and favorable first action on the merits is earnestly solicited.

Claim Rejections – 35 USC § 103(a)

Claims 1-5 have been rejected under the provisions of 35 USC § 103(a) as being unpatentable over Kameda et al. US '569 (US 6,632,569) in view of JP-2002-025612 (JP '612) and Klaus US '495 (US 5,514,495). Reconsideration and withdraw of this rejection is respectfully requested based on the following considerations.

The invention of newly amended independent claim 1 is not rendered obvious by the cited art of record, based on the recitation in instant pending claims 1 of “...*wherein said negative electrode comprises a mixture of a cellulose ether compound and a butadiene copolymer rubber in a weight ratio of 1:1 to 1:15 as a binder*” since none of the cited art references disclose or suggest the use of a mixture of a cellulose ether and a butadiene copolymer rubber as a binder in a weight ratio of 1:1 to 1:15”.

More particularly, none of the instantly cited art references of record provide any motivation or teaching to those skilled in the art that would allow them to arrive at the invention recited in pending claim 1 (or claims 2-4 and 6-7 that ultimately depend on claim 1). Absent such motivation in the cited art the Examiners outstanding rejection is not sustainable.

Regarding claim 8, it is noted that claim 8 provides for a lithium ion secondary cell “*wherein said negative electrode contains a mixture of a cellulose ether compound and a butadiene copolymer rubber in an amount of 5% by weight or less.*” As such, it is also submitted that the lithium ion secondary cell of claim 8 is in no way taught or rendered obvious by the cited art of record, since no motivation is provided in the cited art to arrive at the invention of claim 8 as fully recited in the claim limitations thereof.

Regarding Claim 9 it recites a “box-shaped lithium ion secondary cell comprising a positive electrode and a negative electrode which are spirally wound with inserting a separator therebetween

and pressed in a flat form..." which is in no way taught or otherwise described in the cited art of record. As such, it is submitted that claim 9 is also patentable over the cited art of record.

Regarding claim 10, it depends from claim 9 and recites "wherein said negative electrode comprises a mixture of a cellulose ether compound and a butadiene copolymer rubber in a weight ratio of 1:1 to 1:15 as a binder" which is in no way taught or otherwise rendered obvious by cited art being applied by the USPTO.

CONCLUSION

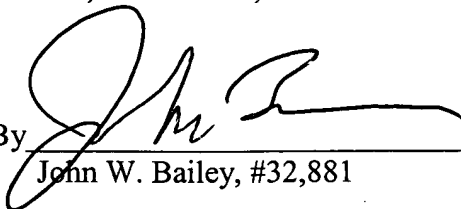
Based on the amendments and remarks presented herein, the Examiner is respectfully requested to issue a notice of allowance, clearly indicating that each of the pending claims under consideration is allowed and patentable under title 35 of the United States Code.

Should the Examiner have any questions concerning the present reply, or desire to speak with Applicants representative in order to expedite further prosecution of the instant application, the Examiner is invited to contact the undersigned (John W. Bailey, Registry No. 32,881) at his direct telephone number at the offices of the undersigned, which is 703-205-8031.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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